

EXHIBIT G

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

DAVID GRIZZARD,

Plaintiff,

vs. CASE NO.: 2:21-cv-00469

LG CHEM, LTD.; DOES 1-50,

Defendants.

VIDEOTAPED TELECONFERENCE

DEPOSITION OF: DAVID GRIZZARD

DATE: August 30, 2022

TIME: 10:09 a.m.

LOCATION: Zoom

TAKEN BY: Counsel for the Defendants

REPORTED BY: Roxanne Easterwood, RPR

VIDEOGRAPHER: Darren Carrera

1 described in your complaint. Do you understand
2 that's why we're here?

3 A. Yes, ma'am.

4 Q. Can you tell me, where did you
5 purchase the batteries that are involved in this
6 lawsuit?

7 A. I purchased them in Emporia, Virginia,
8 at a location called "The Fog Shop and Lounge."

9 Q. Did you say "The Fog Shop and Lounge"?

10 A. Yes, ma'am.

11 Q. And when did you purchase the
12 batteries?

13 A. February of 2018.

14 Q. Who sold the batteries to you?

15 A. The guy working at the store.

16 Q. So it was an employee at The Fog Shop?

17 A. It was an employee, yes, ma'am.

18 Q. But you do not recall this person's
19 name?

20 A. No, ma'am.

21 Q. Is that the only time you purchased
22 batteries from The Fog Shop?

23 A. Batteries, yes.

24 Q. And is that the only time you
25 purchased batteries from that particular employee?

1 A. Yes.

2 Q. So you said batteries, yes. Were
3 there other materials that you purchased from The
4 Fog Shop?

5 A. The liquid for vapes, yes.

6 Q. And were the batteries used with a
7 vaping device?

8 A. Yes.

9 Q. And did you purchase that vaping
10 device also at The Fog Shop?

11 A. Yes.

12 Q. Did you purchase the batteries
13 together with the vaping device, or was it a
14 separate purchase?

15 A. Together.

16 Q. Together. Did they all come in the
17 same box or package, or did you buy the device and
18 then the batteries as a separate item?

19 A. The batteries were separate from the
20 device.

21 Q. Now, when you bought the batteries, do
22 you recall how many batteries you bought at that
23 time?

24 A. I bought four.

25 Q. And did they all look the same?

1 A. Yes, ma'am.

2 Q. And were all four involved in your
3 incident?

4 A. No, ma'am.

5 Q. How many of the batteries were
6 involved in your incident?

7 A. Two of them.

8 Q. When you purchased the batteries, what
9 kind of packaging were they in?

10 A. A plain, white box.

11 Q. And were they packaged one to a box or
12 more than one to a box?

13 A. One to a box.

14 Q. So when you purchased the batteries,
15 you purchased four small white boxes; is that
16 correct?

17 A. Yes, ma'am.

18 Q. And you said plain. Does that mean
19 the boxes had no writing on them?

20 A. No writing whatsoever.

21 Q. Okay. When you purchased the
22 batteries, did you receive any paperwork, such as
23 a receipt or instructions, or any other
24 information about the batteries themselves?

25 A. No, ma'am.

1 Q. So you did not receive any information
2 that identified who manufactured the batteries?

3 A. No, ma'am.

4 Q. And you did not receive any
5 information to show you who sold the batteries to
6 The Fog Shop?

7 A. No, ma'am.

8 Q. Was there any words or markings on the
9 batteries themselves?

10 A. No, ma'am.

11 Q. So nothing on the actual batteries
12 that would tell you who manufactured it; is that
13 correct?

14 A. Correct.

15 Q. Do you recall what the batteries
16 looked like? Were they a particular color?

17 A. They were brown.

18 Q. And I think you said they all were the
19 same type; is that correct?

20 A. Yes, ma'am.

21 Q. So they were all brown, and they had
22 no markings, and they were sold in plain, white
23 boxes; is that correct?

24 A. Yes -- yes, ma'am.

25 Q. Okay. Now, before you filed this

1 lawsuit, had you ever heard of a company called LG
2 Chem, Limited?

3 A. No, ma'am.

4 Q. Between the dates of
5 August 20th, 2015, and August 20th, 2019, did you
6 ever visit LG Chem, Limited's website?

7 A. No, ma'am.

8 Q. During that same time period, then, is
9 it fair to say that you did not purchase any
10 batteries from LG Chem, Limited?

11 A. Yes, ma'am. I did not.

12 Q. And for that same time period, between
13 August 20th, 2015, and August 20th of 2019, did
14 you communicate, you personally communicate, with
15 anyone front LG Chem, Limited, whether by phone or
16 email or letter or website?

17 A. No, ma'am.

18 Q. Okay. Now I would like to pull up the
19 first document, which is the first amended
20 complaint in this matter.

21 A. Okay.

22 Q. It will be on our screen. And bear
23 with us one second to pull that up.

24 MS. HEDLEY: Great. Thank you.

25 (Exhibit 1, First Amended Complaint,

1 ain't all that great. Okay.

2 Q. And do you see it says: "On or around
3 2019, plaintiff purchased the subject batteries in
4 Virginia"?

5 A. Yes, ma'am.

6 Q. Do you see that? And did I read that
7 correctly?

8 A. Say what now?

9 Q. Did I read correctly what it says in
10 Paragraph 44?

11 A. Yes, ma'am.

12 Q. Thank you. Did I understand you now
13 believe the date of purchase was actually earlier,
14 in 2018; is that correct?

15 A. Correct. I went back through my bank
16 records.

17 Q. I see. You anticipated my next
18 question, which was to ask how -- how you came to
19 that understanding.

20 A. Yes.

21 Q. Thank you.

22 MS. HEDLEY: And if we can now flip to
23 page -- the first page in Paragraph 3.

24 BY MS. HEDLEY:

25 Q. If you could please look at that

1 Paragraph 3, where it says: "Mr. Grizzard
2 purchased and used the subject batteries in
3 Capron, Virginia."

4 Do you see that?

5 A. Yes, ma'am.

6 Q. But I understand you now believe that
7 you purchased them in Emporia, Virginia; is that
8 correct?

9 A. Yes, they were purchased in Emporia.

10 Q. I understand. And Emporia is fairly
11 nearby to Capron; is that correct?

12 A. Yeah. It's 20 minutes down the road.

13 Q. I understand. But is it still correct
14 that you used the batteries in Capron, Virginia?

15 A. Yes, ma'am.

16 Q. Okay. Thank you.

17 MS. HEDLEY: That's all I have on that
18 one. And I'd like to pull up two documents, and
19 we'll start first with the answers to the
20 interrogatories. I think that's the -- thank you.

21 (Exhibit 2, Answers to Interrogatories,
22 Retained by Attorney Hedley, marked for
23 identification.)

24 BY MS. HEDLEY:

25 Q. So could you please take a look at

1 are correct; is that true?

2 A. Yes, ma'am.

3 Q. As you sit here today, do you have any
4 new or different information that responds to the
5 questions in this document?

6 A. No, ma'am.

7 MS. HEDLEY: Okay. Now if we could go
8 back to Exhibit Number 2 and turn to the question
9 marked Interrogatory Number 3. Let's make that a
10 little bit bigger. Great.

11 BY MS. HEDLEY:

12 Q. Can you see that, sir?

13 A. Yes.

14 Q. Question 3 asks: "Please identify any
15 information or evidence you have that LG Chem
16 sold, shipped, distributed, supplied, or
17 advertised any 18650 lithium ion battery cells
18 into or within the Commonwealth of Virginia during
19 the time period August 20th, 2015, through
20 August 20th, 2019."

21 Have I read that correctly?

22 A. Yes.

23 Q. And the response lists three parts of
24 information. It directs LG Chem, by way of
25 response to the first amended complaint, which we

1 reviewed as Exhibit 1, to the response in
2 opposition to LG Chem, Limited's motion to dismiss
3 the first amended complaint, and Appendixes A and
4 B to the declaration of Nickie Bonenfant that were
5 submitted with that plaintiff's response in
6 opposition.

7 Do you see those answers?

8 A. Yes, ma'am.

9 Q. Other than these documents, you have
10 no other information or evidence that responds to
11 Question Number 3; is that correct?

12 A. Correct.

13 MS. HEDLEY: Now if we could move on
14 to Question Number 4. I think this covers over
15 two pages. Scroll down a little bit more so we
16 can see -- oh, we can't.

17 BY MS. HEDLEY:

18 Q. Okay. So let's start on Question
19 Number 4. Can you see that, sir?

20 A. Yes, ma'am.

21 Q. So it says -- I'm going to read. It
22 says: "For the incident cell, please provide
23 information regarding the date of purchase, the
24 payment method, the vape store from which you
25 purchased the product, the person from whom you or

1 the -- this particular shop on other occasions; is
2 that correct?

3 A. Yes, ma'am.

4 Q. And do you see the entry where it
5 says: "Point of sale withdrawal," and the name of
6 the store is given as "The Fog Shop"; is that --

7 A. Yes, ma'am.

8 Q. And is it your understanding that is
9 the name of the shop where you purchased these
10 batteries?

11 A. Yes, ma'am.

12 Q. At the time you purchased them, I
13 believe you said they had no markings to indicate
14 who was the manufacturer; is that correct?

15 A. Yes, ma'am.

16 Q. So at the time you purchased them, you
17 did not know the brand of the manufacturer; is
18 that correct?

19 A. That is correct.

20 Q. So you don't know, then, about where
21 The Fog Shop got the batteries that The Fog Shop
22 sold to you; is that correct?

23 A. I have no clue where they came from.

24 Q. Okay. Thank you. I've just got a few
25 more questions.

1 CERTIFICATE OF REPORTER

2

3 I, Roxanne M. Easterwood, Registered
4 Professional Reporter and Notary Public for the
5 State of South Carolina at Large, do hereby
6 certify that the foregoing transcript is a true,
7 accurate, and complete record.

8 I further certify that I am neither
9 related to nor counsel for any party to the cause
10 pending or interested in the events thereof.

11 Witness my hand, I have hereunto
12 affixed my official seal this 30th day of August
13 2022 at Charleston, Charleston County, South
14 Carolina.

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<%21897,Signature%>

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Roxanne M. Easterwood, RPR
My Commission expires
February 1, 2025